

Route 12 - Old Receiver Road  
Frederick, MD 21701

July 1, 1979

Marshall Perlin, Esq.  
36 W. 44th Street  
New York, NY 10036

Dear Mr. Perlin:

To add to what Jim Lesar wrote you relating to the FBI's plan to destroy its files, mostly field office files, when I first got wind of this I wrote to the Archives without receiving any response. Even acknowledgment. It can store these files and should.

It is probable that the FBI will take the line indicated in the Washington Star story of June 26th reporting your suit, that it would not destroy "any 'substantive information'" on the phony claim that summaries remain in what was sent to FBIHQ, of which copies remain in field office files.

What the FBI considers "substantive" is not what you, your clients, I or particularly professional historians and political scientists will consider important.

The fact is that over a period of years the FBI has been destroying such field office political records. I have many cases of it, all duly reported to FBIHQ.

Awe's explanation to the Star, that the FBI must get rid of its obsolete files, explains nothing. This does not require destruction. The reason I wrote to the Archives is because I learned of a proposal to transfer to the Archives what the FBI wants to dispose of. However, the FBI is aware that these are also the records that are most embarrassing to it, like records of its domestic intelligence operations.

I have what I think can make you an excellent case study. It is presently being copied by a scholar who is going to use those records in a report to next year's Southern Historical Association convention. Although I can ill afford it, because I believed that there would be other uses for those records, I am paying to have a set of duplicates made so they can be available to you. It permits comparison of what was destroyed with what remains in "summary."

If I can help in your efforts, as I believe is possible from my extensive experience with FBI and CIA files and FOIA suits to get them, you may want to bear in mind that, with regard to the John Kennedy and King assassinations, the Department of Justice has credited me with a unique expertise and has represented to two courts that I know and can do for the Department what it cannot get from the FBI.

I hope you will consider amending your complaint to include the other intelligence agencies, particularly the CIA.

Sincerely,

  
Harold Weisberg

JAMES H. LESAR  
ATTORNEY AT LAW  
910 SIXTEENTH STREET, N. W. SUITE 600  
WASHINGTON, D. C. 20006  
TELEPHONE (202) 223-5587

June 28, 1979

Mr. Marshall Perlin, Esq.  
36 W. 44th Street  
New York City, N.Y. 10036

Dear Mr. Perlin:

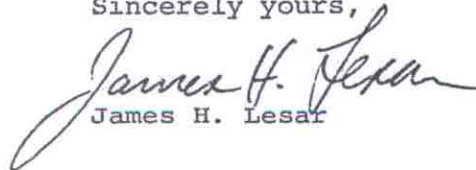
I have represented Harold Weisberg in 15 FOIA lawsuits for records on the assassinations of President Kennedy and Dr. King. Several suits have been brought against the FBI.

In one case an important record on the assassination of Dr. King, a tickler file, has been destroyed. In a second case crucial records allegedly have been destroyed or "discarded."

Mr. Weisberg's suit for records on the spectrographic analyses and other scientific tests on items of evidence in the assassination of President Kennedy is now before the United States Court of Appeals for the District of Columbia for the third time. It involves an allegation by the FBI that key spectrographic records were "routinely discarded" as part of the FBI's housekeeping procedures.

I was pleased to read of the lawsuit which you have filed to halt the destruction of FBI records. I would appreciate it very much if you could send me a copy of the complaint.

Sincerely yours,

  
James H. Lesar

## Coalition Files Suit to Block Destruction of Files by FBI

By Robert Pear

Washington Star Staff Writer

Several dozen political activists, historians, scientists and writers filed suit against the FBI today, seeking a court injunction to halt the further destruction of FBI records.

A lawyer for the plaintiff, Marshall Perlin, said at a news conference here that the government was engaged in "massive destruction of FBI files of the most tremendous historical interest."

He said the destruction of records by the FBI was covering up "acts of criminality, violations of law and infringements upon millions of people's constitutional rights."

The 48 plaintiffs include Michael and Robert Meeropol, the sons of Julius and Ethel Rosenberg; filmmaker Emile de Antonio; political activist Angela Davis; author Jessica Mitford; writer Victor Navasky; biologist George Wald, and Morton Sobell, a co-defendant with the Rosenbergs.

Among the groups joining in the

lawsuit, which was filed here in U.S. District Court, are the American Friends Service Committee, the American Indian Movement, the Center for National Security Studies, and Historians for Freedom of Information. The Nation magazine was also a plaintiff.

Named as defendants are FBI Director William H. Webster, Atty. Gen. Griffin Bell, U.S. Archivist James B. Rhoads and Paul E. Goulding, acting head of the General Services Administration.

An FBI official in charge of records management, James W. Awe, asked about the charges in the lawsuit, said, "Their concerns are completely unfounded." He said the FBI had not destroyed any "substantive information" in files at headquarters, and he said that field offices must send headquarters a copy or summary of important aspects of all their records.

Awe said the FBI must get rid of obsolete files in order to manage current records efficiently.

# Suit Would Preserve FBI's Files

By Katherine Ellison  
Washington Post Staff Writer

6/27/79

A coalition of civil rights activists filed suit in U.S. District Court here yesterday in an attempt to stop the FBI from destroying its field office files.

The plaintiffs accused the FBI of carrying on an "indecently stepped-up program" of records destruction intended to undermine the Freedom of Information Act. They charged that field office files contain evidence of FBI break-ins and other illegal domestic activity—evidence they said is not included in the summaries field offices send to headquarters—and they demanded that the files be preserved as a historical record and as a guard against future illegal activity.

FBI spokesman Dave Cassens denied the group's allegations. "We don't have any kind of stepped-up program" for files destruction, he said. "We're not doing anything to undermine the Freedom of Information Act."

In the past four years, information obtained through FBI requests has supported significant charges of illegal FBI activity, including domestic spying such as COINTELPRO.

The suit comes on the heels of FBI Director William Webster's proposals for sweeping cutbacks in the Freedom of Information Act. Webster says allowing individuals to request files from federal agencies impedes FBI investigations by drying up sources who fear their identities might later be disclosed. He wants Congress to put a seven-year moratorium on release of investigatory files, and wants an outright ban on the release of records "collected or used for foreign intelligence, foreign counter-intelligence, organized crime or terrorism purposes."

In his proposals to Congress, Webster denied that he would "use the moratorium provision in concert

with a file destruction program to frustrate the Freedom of Information Act."

However, Marshall Perlin, one of the attorneys for the plaintiffs, said that "about 80 percent of the files destruction so far has taken place since the Freedom of Information Act was amended" to strengthen it in 1974.

In 1946, the National Archives and Records Service set the permissible schedule for destruction of FBI files, in time periods ranging from six months for field office reports to five years for unsolved crime files at headquarters. The NARS director of records disposition, Tom Wadlow, said yesterday that it surveyed those limits last year and found them acceptable, but Perlin accused NARS of not keeping adequate watch over the FBI. "You don't ask the fox to watch the chicken coop, and you don't ask the FBI to decide what they're going to destroy," he said.

"We can't destroy any files without specific approval of the archivist," Cassens countered. But archivist Wadlow, when asked if actual destruction of files had been stepped up, said, "You have to ask the FBI that—the agencies implement the schedule."

The 48 plaintiffs in yesterday's suit include Daniel Ellsberg, Angela Davis, the American Friends Service Committee, the American Indian Movement, and Nation magazine. Perlin, who is counsel for Robert and Michael Meeropol, the sons of Julius and Ethel Rosenberg, who were indicted for treason and executed in 1953, said he originated the suit because of difficulty he had getting information on the Rosenberg case from the FBI.

"We're concerned about future Rosenbergs," Michael Meeropol said. "We've already discovered evidence of surveillance, break-ins, attempts to denigrate and smear other organizations and individuals."

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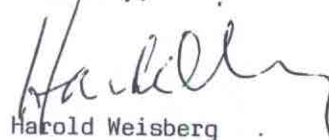
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